IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 12487 of 2003

Between:

Harijana Co-op. Labour Contract Society Limited, (Regd.No. 2-723), Kakani, rep. by its Secretary, T.Radhakrishna Murthy S/o. Appaiah,

R/o. Kakani Village, Narasaraopet Mandal, Guntur District.

..... PETITIONER

AND

1 Director of Municipal Administration, A.P., Hyderabad.
2 Municipal Council, Ongole Municipality, rep. by its Chairperson.
3 Municipal Commissioner, Ongole Municipality, Ongole.
4 Assistant Provident Fund Commissioner, Padmavathi Buildings, Near Hari Hara Mahal, Guntur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order one in the nature of Writ of Mandamus, or any other appropriate writ, order or direction, declaring Condition Nos.3, 4 and 5 of the Tender Conditions appended to the Tender Notice issued by the 3rd respondent in Rc.No.4822/2003-F2, dt.23.5.2003 as illegal, arbitrary and unconstitutional and consequently direct the 2nd and 3rd respondents to finalise the tenders filed pursuant to the said tender notice strictly as per the notification dt.26.11.2002 issued by the Commissioner of Labour and the proceedings of the 1st respondent issued in L.Dis.No.537/2003/82, dt.21.1.2003.

Counsel for the Petitioner:MR.P.GOVIND REDDY

Counsel for the Respondent No.1: G.P. for Municipal Administration

Counsel for the Respondent Nos.2 to 3:MR. D.SRINIVAS

Counsel for the Respondent No.4: MR.R.N.REDDY

The Court made the following :

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.12487 OF 2003

ORDER:

The Municipal Council, Ongole, issued a tender notice dt.23.5.2003 inviting sealed tenders from contractors registered in Ongole Municipality, Dwacra Groups, Scheduled Castes and Scheduled Tribes, children of retired employees of Public Health Department of Ongole Municipality for doing sanitary works in Division Nos.3 and 5 for the period from 1.6.2003 to 31.3.2004. The petitioner which is a Cooperative Labour Contract Society challenged the tender notification on the ground that condition Nos.3, 4 and 5 are illegal and arbitrary.

This Court admitted the Writ Petition on 30.6.2003 and by order made in W.P.M.P.No.15524 of 2003 directed the respondents not to finalise the tenders pursuant to impugned tender notification. The matter is listed today for further orders.

Learned Standing Counsel for Ongole Municipality submits that the tender notice was issued proposing to give sanitation work to private contractors for the period from 1.6.2003 to 31.3.2004, which is already expired and in that view of the matter, the cause of action does not survive. There is force in the submission of the learned Standing Counsel for Ongole Municipality.

The Writ Petition is accordingly dismissed as infructuous. No costs.

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(V.V.S.RAO, J)

3.9.2004

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To

1 The Director of Municipal Administration, Andhra Pradesh,

Hyderabad.
2 The Chairperson, Municipal Council, Ongole Municipality.
3 Municipal Commissioner, Ongole Municipality, Ongole.
4 Assistant Provident Fund Commissioner, Padmavathi Buildings,
Near Hari Hara Mahal, Guntur.

5 2 CCs to G.P. for Municipal Administration, High Court Bldgs.,

Hyderabad (OUT)

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